

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE HERALD, PRIMEO AND THEMA  
FUNDS SECURITIES LITIGATION

This document relates to: 09 Civ. 2032 (RMB) (HBP)

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) File No:  
) 09 Civ. 289 (RMB) (HBP)  
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**NOTICE OF VOLUNTARY DISMISSAL OF FEDERAL SECURITIES CLAIMS**

PLEASE TAKE NOTICE that, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Lead Plaintiff Dr. Shmuel Cabilly hereby voluntarily dismisses, without prejudice, his claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78j and 78t(a), and Rule 10b-5, 17 C.F.R. § 240.10b5 (Counts 19, 22, 25, 26, 29, 32, and 33 of his Consolidated Amended Complaint) as to all Defendants named therein. No Defendant named in these Counts has answered or otherwise responded to the Consolidated Amended Complaint.

Dated: January 5, 2010

Respectfully submitted,

/s/ S. Douglas Bunch  
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